

cancel

(b) a thin, homogeneous, ferrous sulfide containing silicate glass mixture bonded to said oxidized surface wherein said ferrous sulfide is present in said mixture in amounts ranging from about two to ten mole percent.

Cancel claim 2 without prejudice on disclaimer of the subject matter thereof.

REMARKS

Reconsideration of this application, as amended, is courteously solicited.

Claim 1 has been rewritten and the invention is now limited to a composition having a ferrous sulfide content of from two to ten mole percent. A comma has been inserted after the word "thin" and "homogeneous" to correct an obvious typographical error. Claim 2 has been cancelled.

In light of the present amendment to claim 1, it is believed that this claim is no longer subject to a rejection under the provisions of 35 U.S.C. 112 as being indefinite and too broad in scope since the compositional content of the ferrous sulfide component is now set forth in a definite manner. Withdrawal of the 35 U.S.C. 112 rejection, therefore, is believed to be in order and the same is respectfully urged.

Claim 1, the only claim now remaining in the application, stands rejected under 35 U.S.C. 103 as being unpatentable over Kushihashi et al or Harman in view of British Patent No. 611,742. The Kushihashi patent relates to a heat reflecting

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glass article comprising a glass substrate with a first layer of a copper-nickel alloy and a second layer of an oxide of the alloy. The applicant, on the other hand, teaches a metal substrate (not a glass substrate) with a particular type of glass coating (not a two layered metal coating). This patent obviously fails to disclose or suggest the applicant's inventive concept since it is not related in any way to a camouflage system.

The second primary reference to Harman deals with the concept of coating metal substrates with a heat protective, strontium oxide based, glass coating. This patent is not concerned with the problem of infrared detection as is the applicant. It does not teach the use of ferrous sulfide nor is there any suggestion that such a material is needed or even contemplated. Accordingly, this reference, standing alone, fails to teach the applicants' invention in the same manner as the first primary reference to Kushihashi. Consequently, withdrawal of this reference appears to be warranted.

Apparently, recognizing that the primary references fail to teach the present invention, the Examiner has combined their teachings with that of the secondary British patent in an attempt to overcome the basic deficiencies of the primary references.

The British patent, however, fails to disclose the use of the ferrous sulfide component taught by the applicant. This reason alone would appear sufficient to negate the

applicability of the British patent. However, the British patent, in addition, teaches the use of magnetic pyrites intermixed in a plastic, rubber or ceramic binder. It does not teach the concept defined by the present invention.

In addition to the failure of the British patent to disclose the use of a silicate glass composition containing ferrous sulfide, there is also no teaching or indication in either the two primary references or the secondary reference that their individual teachings can be combined in the manner suggested by the Examiner. Furthermore, even if the combination of teachings is proper, the suggested combination fails to suggest the applicants' inventive concept since the secondary reference does not disclose the use of ferrous sulfide.

As a consequence of the arguments presented herein, it is submitted that the claim of this application clearly defines a patentable concept over the teachings of the applied references whether said references are considered alone or in combination. Withdrawal of the rejection under 35 U.S.C. 103, therefore, appears to be in order and the same is respectfully solicited.

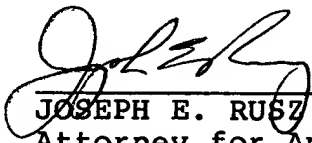
The references made of record but not applied have been considered but are not seen to contain any teachings which could be relied upon as anticipatory of the present invention. A detailed rebuttal of their teachings, therefore, is not deemed to be warranted.

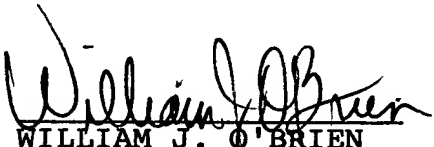
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In light of the remarks set forth herein, it is believed that the claim of this application is proper in form and defines a patentable invention. Therefore, it is earnestly requested that the Examiner pass this case to issue at his earliest convenience.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner: William J. O'Brien, A/C 617-861-4074.

Respectfully submitted,


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